

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 C.F.R. §§1.9(f) and 1.27 (c)) - SMALL BUSINESS CONCERN**

COPY

I hereby declare that I am

- (check one) ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Wireless Valley Communications, Inc.  
ADDRESS OF CONCERN 104 Hubbard Street, Blacksburg, Virginia 24062-0727

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 C.F.R. §121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third part or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled IMPROVED METHOD AND SYSTEM FOR A BUILDING DATABASE MANIPULATOR by inventors T. Rappaport et al. described in:

- (check one) ☒ the specification filed herewith.  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. < > issued < > \_\_\_\_\_

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b)) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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NAME OF PERSON SIGNING Ted Rappaport  
TITLE OF PERSON SIGNING President  
ADDRESS OF PERSON SIGNING Wireless Valley Communications, Inc.  
104 Hubbard Street, Blacksburg, Virginia 24060

SIGNATURE \_\_\_\_\_

DATE 8/04/00



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
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OCTOBER 19, 2000

PTAS

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MICHAEL E. WHITHAM  
1750 TYSONS BLVD.  
SUITE 1800  
MCLEAN, VA 22102



\*101449948A\*

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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/04/2000

REEL/FRAME: 011034/0724  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
RAPPAPORT, THEODORE

DOC DATE: 08/04/2000

ASSIGNOR:  
SKIDMORE, ROGER

DOC DATE: 08/04/2000

ASSIGNEE:  
WIRELESS VALLEY COMMUNICATIONS,  
INC.  
104 HUBBARD STREET  
BLACKSBURG, VIRGINIA 24060

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SERIAL NUMBER: 09633120  
PATENT NUMBER:

FILING DATE: 08/04/2000  
ISSUE DATE:

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MAURICE CARTER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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ASSIGNMENT OF INVENTION

✓ WHEREAS, WE, Theodore Rappaport and Roger Skidmore have invented certain new and useful improvements in IMPROVED METHOD AND SYSTEM FOR A BUILDING DATABASE MANIPULATOR for which a patent application has been executed.

AND WHEREAS, WIRELESS VALLEY COMMUNICATIONS, INC. having a principal place of business in Blacksburg, Virginia referred to as Assignee, is desirous of acquiring our interest in said invention and in any Letters Patent which may be granted therefor.

NOW THIS INDENTURE WITNESSETH, That for a valuable consideration, the receipt of which is hereby acknowledged, we hereby assign, sell and transfer unto the said assignee, our entire right, title and interest in and to inventions disclosed in said application and in and to any Letters Patent of the United States and in and to any Letters Patent or Inventor's Certificates of any and all foreign countries which may be granted therefor, and in and to any and all priority and/or Convention rights or benefits accruing or to accrue to us with respect to the filing or securing of patents in the United States and/or securing of patents or inventor's certificates in any and all countries foreign thereto.


✓ AND we hereby grant to assignee the right to apply in its own name for patents or inventor's certificates corresponding to the above invention in countries foreign to the United States.

AND we hereby further agree to sign and properly execute such necessary and lawful papers for application for foreign patents and inventor's certificates for filing applications for United States, foreign patents and inventor's certificates for subdivisions of any applications for patent or inventor's certificate and/or for obtaining any reissue or reissues of any Letters Patent which may be granted for our aforesaid invention and to perform such further acts as may be required to carry out the intent of this agreement as the assignee thereof shall hereafter require and prepare at assignee's expense.

WITNESSETH, my hand this 4<sup>th</sup> day of August, 2000.

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Theodore Rappaport

✓   
Roger Skidmore

Docket No.: 02560035AA

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### IMPROVED METHOD AND SYSTEM FOR A BUILDING DATABASE MANIPULATOR

the specification of which:

(check one) ☒ is attached hereto  
☐ was filed on  
as Application Serial No.  
and was amended on \_\_\_\_\_  
(if applicable)

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56\*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	priority claimed			
(Number)	(Country)	(Day/Month/Year Filed)	yes	no
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	yes	no

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_ (Application Serial No.)

\_\_\_\_\_ (Filing Date)

COPY  
\_\_\_\_\_  
(Status: patented, pending, abandoned)

and any continuation applications thereof currently pending.

Power of Attorney: As a named inventor, I hereby appoint C. Lamont Whittham, Reg. No. 22,424, Marshall M. Curtis, Reg. No. 33,138, and Michael E. Whittham, Reg. No. 32,635, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to McGuireWoods, 1750 Tysons Boulevard, Suite 1800, McLean, Virginia 22101. Telephone calls should be directed to McGuireWoods at (703) 712-5067.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Docket No.: 02560035AA

Full Name of Sole  
or First Inventor Theodore Rappaport TR Date 8/04/00  
Inventor's Signature TR  
Residence 816 Pendleton Drive, SALEM VA 24153  
Citizenship United States  
Post Office Address Same as above

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Full Name of Joint  
or Second Inventor Roger Skidmore  
Inventor's Signature RS Date 08/04/00  
Residence 514 HART CLUB DR. APT. 502, BLACKSBURG, VA 24060  
Citizenship United States  
Post Office Address Same as above

Title 37, Code of Federal Regulations, § 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

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